

Military Veterans in the Criminal Justice System

Report and Recommendations
for Implementing the

Multnomah County Veterans Court Program

On October 3-5, 2011, Creative Government Solutions (CGS) conducted a selective analysis of the criminal justice and service delivery systems in Multnomah County, Oregon, focusing on military veterans in the systems. It was gratifying to discover there is an awareness in the County of military veterans in the systems who have serious mental health and chemical use issues in their lives. There is also compassion on the part of decision makers in the systems' components to embrace this issue and do whatever is realistically possible to secure the most effective services for this population.

Coordination

The most effective and cost-efficient services for veterans in the criminal justice system involves all three layers of government; federal, state and local. That fact in itself creates barriers to service delivery. These three governmental entities have different responsibilities and different fiscal years. Coordination of service delivery involving three layers of government is difficult. Multnomah County has made great strides in this area. *The Multnomah County Jail screens 'booked' offenders for military status. A county Veterans Services Officer (VSO) reviews that information and forwards it to the Veterans Administration (VA) Medical Center's Justice Outreach Coordinator to determine eligibility for VA benefits.* There is no need to secure state approval to coordinate services with the federal VA Medical Center.

Multnomah County Jail - Intake/Recog

There are approximately 30,000 bookings in the Multnomah County Jail annually. Only about 25% of those arrested remain in jail until their trial date; the remainder are released on personal recognizance (Recog). The Community Justice Department provides Recog screening to approximately 1,700 offenders each month. About 850 are released on Recog prior to arraignment. The other 850/month are held for arraignment within 72 hours of booking, and a large majority of those receive court ordered Recog. The current screening instrument does include veteran status.

Offender data collected at booking is now available electronically and accessible to all components of the criminal justice system.

The Veterans Services Officer has face-to-face contact with those offenders identified as veterans and eligible for pre-trial Recog. The process of documenting VA eligibility is initiated at this point. The VSO gathers pertinent information on incarcerated veterans and submits it to the VA's Justice Outreach Coordinator to determine benefit eligibility. The VSO does not have the opportunity to meet with those receiving post-arraignment Recog from the Court. The Director of the Recog Screening Unit expressed a willingness to include dissemination of veterans information as part of Recog screening for those released by the Court post-arraignment.

Recommendation: An information pamphlet should be developed, containing pertinent benefit eligibility and VSO contact information, that can be provided to offenders who are identified as veterans as part of post-arraignment Recog.

Multnomah County Public Health provides medical care with the jail. As with other system components there is an expressed awareness that many veterans in jail deal with issues not experienced by other offenders. There also is a willingness to participate in solidifying this Veterans Court Program and do whatever possible to initiate treatment/therapy procedures for sentenced prisoners and assist in transitioning into post-release therapeutic programming.

Metropolitan Public Defenders

The Metropolitan Public Defenders office has a sincere interest in enhancing its involvement with military veterans in the criminal justice system, as well as seeking ways to increase participation of private sector non-profit service providers in delivering services to veterans.

There was a suggestion that increased participation of the criminal justice system components at Military Stand Downs could be worthwhile in making contacts especially with homeless veterans. Some homeless veterans have outstanding warrants, pending charges, probation violations, unpaid fines, criminal histories, etc., that are hindering their efforts at finding employment. Many of the incidents resulting in court ordered sanctions are for minor, non-person crimes that could perhaps be disposed of by 'holding court' at the Stand Downs.

Concern was expressed that even though the criminal justice system has enhanced its ability to identify veterans entering the system, and track their journey through it, there seems to be a lack of information about follow-up services in the community. Not all veterans entering the system necessarily need to receive inpatient services at the VA Medical Center. Many just need a secure housing environment, counseling/therapy, and a chance to straighten out their lives.

Recommendation: The Court, District Attorney, Metropolitan Public Defender, and Court Administration discuss ways to 'hold court' at Military Stand Downs.

The Courts

It was a pleasure to learn the Courts and Court Administration are very interested in the concept of a Veterans Court. Some specialty courts, developed over the past few years around the country, are falling victim to budget reductions. The Veterans Court envisioned for Multnomah County would be a dispositional court only, requiring no additional judges, clerks or county staff. The frequency of how often this dispositional court would be in session will depend on the volume of criminal court convictions/pleas involving veterans.

The Court Administrator will modify the Public Defender intake form to include an inquiry as to veteran status.

Community Justice

Once the Court has disposed of a criminal case by establishing and declaring post-conviction sanctions, the majority of offenders are placed on probation. Insuring that convicted offenders comply with court ordered sanctions is a key responsibility of probation officers. Effective supervision requires more than simply monitoring court ordered conditions. Determining an offender's needs and seeking resources to address those needs is key to preventing recidivism.

Many convicted offenders who are military veterans carry mental health issues that are directly attributable to combat-related incidents and situations. Military combatants develop what some call a 'warrior mindset'. It is 24/7 survival and not knowing if you will get home alive. Many of those that do return have a very difficult time shedding the warrior mindset and returning to civilian life. There is a camaraderie among military veterans that is unspoken. In many cases a veteran will only discuss his/her military experiences with another veteran. Because getting to the root issue/s which have contributed to criminal activity is key to preventing recidivism, it is necessary to provide veterans in the system a 'vehicle' to discuss those experiences.

Recommendation: The Department of Community Justice should consider developing specialized caseloads for veterans placed on probation. Offenders who are military veterans will be supervised by probation officers who are also military veterans.

The Director of Community Justice has expressed a willingness to entertain this concept. Furthermore, this specialized caseload concept will not require additional staff. The veteran clients are already on the caseloads, disbursed among all probation officers.

District Attorney

The District Attorney's Office expressed an awareness of the uniqueness of issues and circumstances that have resulted in some veterans entering the criminal justice system. Furthermore, there is a desire to help implement a Veterans Court system in Multnomah County. Staff attorneys will communicate with other counties that have established Veterans Courts to determine prosecutorial policies and procedures.

Community Resources

Transition Projects was visited as part of this study because of its proximity to the central city and the fact that it has housing and related resources dedicated to military veterans. This program has "gone the extra mile" in creating resources for veterans in Multnomah County. There is a close working relationship with the VA Medical Center in Portland as well as the Court system, convening Community Court within Transition Projects' main building.

However, in the course of conducting this study, it was learned there are additional community-based resources within Multnomah County that also provide services to military veterans, some of which were unknown to some decision makers in the criminal justice system.

Recommendation: An inventory of veteran focused public and private sector resources be compiled and made available to all components of the justice system. This inventory should include the military service organizations, such as American Legion, VFW, Disabled Veterans, etc. The members of these organizations can provide valuable mentoring services and possible leads to employment opportunities.

Local Public Safety Coordinating Committee

The Local Public Safety Coordinating Committee (LPSCC) has taken on the challenge of addressing the issue of military veterans in the criminal justice system. It was indeed gratifying to discover that many of the system's components have been developing methods and procedures for identifying veterans in the system and securing services for them. However, until LPSCC commissioned this selective analysis, the individual efforts by some of the system's components had not been recognized and assimilated into a cohesive network of identification, analysis and service delivery.

LPSCC is the proper venue for solidifying the Veterans Court Program in Multnomah County. There is no need to 'sell' the concept of developing a select program/process for military veterans in the criminal justice system. All of the key decision makers from both the public and private sectors participate on LPSCC and are anxious to get all of the components working together for our veterans.

Recommendation: LPSCC should bring the key decision makers into a working group to solidify the purpose and function of the Veterans Court Program. It is further recommended that the working group be chaired by a non-LPSCC member who has a knowledge of the system components and how they can interact to better serve military veterans.

Data on Veterans Booked Into the Multnomah County Jail

The Multnomah County Sheriff's Office provided some significant data on offenders who reported they were military veterans that were booked into the County Jail for the period April 1, 2011 through September 30, 2011.

62.9% had received an honorable discharge, 15.7% had received a general discharge, and only 2.1% reported receiving a dishonorable discharge. These numbers have some significance in that nearly 80% were not trouble makers while on active duty. So what happened to these veterans after discharge that resulted in their entry into the criminal justice system?

63.2% were between the ages of 31 and 55. This age group would indicate active duty service in Iraq and Afghanistan. Because Oregon has not active duty military installations it is fairly safe to assume the vast majority of these offenders are members of the National Guard or Reserves and are not on active duty at the present time. This is the population of veterans that counties will see more of in the coming years as combat related mental health issues emerge as impediments to family life and employment. Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) are not necessarily evident immediately upon return from deployment. In many cases obvious symptoms of PTSD/TBI do not emerge for several years, and in some cases the symptoms will reappear years later in the form of flashbacks. Case in point; 11.5% of veterans booked during the time period of this data were between the ages of 61 and 76 which indicates service in Vietnam. 30+ years after the Vietnam war ended counties are continuing to deal with the aftermath of combat.

The data reflects that crimes committed by booked offenders identified as military veterans were for the most part "non-violent". Only 9.2% were for crimes against a person. Alcohol and Drug charges (11%) were nearly all for possession with only a small percentage for sale/delivery. The category of 'Other Crimes' (34.6%) was comprised of parole violation, some type of hold, failure

to register as a sex offender, contempt of court, violating a restraining order, etc. Vehicle crimes (9.1%) mostly DUII.

The average length of stay (ALS) in jail for veterans during this six month period was 10.1 days as compared to 12.73 days over the previous 5 year historical period. However, to further substantiate the "non-violent" nature of crimes stated above, the ALS for crimes against a person during this six month data period was 7.74 days compared to 27.72 days in the previous five year historical period.

Recommendation: That the data provided by the Sheriff's Office for this study be provided to the working group and LPSCC members for further discussion.

Summary:

Multnomah County has long had a reputation for innovation and creativity in criminal justice matters. Some of its programs are viewed as models and have been adapted and implemented in counties throughout the nation; Juvenile Detention Alternative Initiative and Best Practices to name just a few.

Oregon ranked second in the nation in suicides among National Guard members with 16 during the four year period 2007-2010. (Minnesota ranked first with 18.) Even without knowing these numbers, many people within the criminal justice and related services delivery systems recognized that there is a need to selectively address military veterans in the criminal justice system.

With the decision makers in all components of the Multnomah County criminal justice system recognizing the need for services to military veterans in the system, and with non-profit private sector organizations desiring to assist in this endeavor, the County will implement a comprehensive program/process for addressing the needs of veterans, and continue its tradition of developing models for the rest of America's counties to follow.